

Kannan vs State of Kerala

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Court : Kerala

Decided On : Dec-21-2022

Judge : Honourable Mr.Justice Viju Abraham

Appeal No. : Bail Appl./602/2022

Appellant : Kannan

Respondent : State of Kerala

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR.JUSTICE VIJU ABRAHAM
WEDNESDAY, THE 21ST DAY OF DECEMBER 2022 / 30TH
AGRAHAYANA, 1944 Crime No.57/2022 of Valappad Police Station,
Thrissur District, PETITIONER/ACCUSED: KANNAN, AGED 34 YEARS
S/O.SATHYAN, NEDIYIRIPIL HOUSE, VALAPPAD VILLAGE,
THRISSUR DISTRICT. BY ADV NIREESH MATHEW

RESPONDENT/COMPLAINANT: STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM. OTHER PRESENT:
PP - M.C.ASHI THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 21.12.2022, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING: VIJU ABRAHAM, J BA No. 602 of 2022 st Dated this the 21 day of

December, 2022

ORDER

This is an application for anticipatory bail.

2. The petitioner is the accused in Crime No.57/2022 of Valappad Police Station, Thrissur District, alleging commission of offences punishable under Sections 294(b) and 308 of the of the Indian Penal Code.

3. The prosecution case is that on 15.01.2022 at about

6.15 PM, due to the boundary dispute prevailing between the defacto complainant and the accused, the accused abused the defacto complainant with obscene words and tried to inflict injuries on the defacto complainant with a stick (cheemakonna). If the defacto complainant has not evaded the blow, it would have resulted in his death and thus the accused have committed the aforesaid offences.

4. Heard the learned counsel for the petitioner and the learned Public Prosecutor.

5. The learned counsel for the petitioner submitted that he has been falsely implicated in the aforesaid crime.

6. When the matter came up for consideration on

14.12.2022, this court has directed the petitioner to appear before the investigating officer on 16.12.2022 and co-operate with the investigation. When the matter was taken up for consideration today, the learned Public Prosecutor upon instructions submitted that the petitioner has appeared before the investigating officer and co-operated with the investigation and further that his further custody may not be required for the purpose of the investigation.

7. Considering the facts and circumstances of the case

and the nature of the allegations and taking into consideration that the petitioner has no other criminal antecedents, I am of the opinion that custodial interrogation of the petitioner may not be required for the purpose of the investigation and only a

limited custody be granted for the same and therefore I am inclined to grant anticipatory bail to the petitioner.

In the result, this application is allowed. Petitioner shall surrender before the investigating officer in Crime No.57/2022 of Valappad Police Station, Thrissur District, on 27.12.2022 at 11 am and make himself available for interrogation. The petitioner shall co-operate with the investigation. It is directed that in the event of arrest of the petitioner in Crime No.57/2022 of Valappad Police Station, Thrissur District, he shall be produced before the Jurisdictional Court on the same day and he shall be released on bail subject to the following conditions:-

(i) The petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees fifty thousand only) with two solvent sureties each for the likesum to the satisfaction of the Jurisdictional Court,

(ii) The petitioner shall appear before the investigating officer in Crime No.57/2022 of Valappad Police Station, Thrissur District, on every Saturday at 11.00 am until filing of the final report,

(iii) Petitioner shall report to the investigating officer as and when required for the investigation,

(iv) The petitioner shall not attempt to

influence the defacto complainant or interfere with the investigation or to influence or intimidate any witness in Crime No.57/2022 of Valappad Police Station, Thrissur District,

(v) The petitioner shall not involve in any other crime while on bail. If any of the aforesaid conditions are violated, the

investigating officer in Crime No.57/2022 of Valappad Police Station, Thrissur District, may file an application before the jurisdictional Court, for cancellation of bail. It is made clear that it is within the power of the police to investigate the matter and if necessary to effect recoveries on the information if any given by the petitioner even when the petitioner is on bail as per the judgment of the Apex

Court in Sushila Aggarwal and others v. State (NCT of Delhi) and another (2020 (1) KHC 663). sd/- VIJU ABRAHAM, JUDGE R.AV

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